

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

EDMOND ADAIMY,

Plaintiff and Appellant,

v.

SANDRA RUHL et al.,

Defendants and Respondents.

B193745

(Los Angeles County
Super. Ct. No. BC331928)

ORDER MODIFYING OPINION
AND DENYING REHEARING

NO CHANGE IN JUDGMENT

THE COURT:

It is ordered the opinion filed herein on February 28, 2008, be modified as follows:

On page 6, add the following at line 3:

Adaimy also asserts that the August 7, 2006 “Ruling on Submitted Matter” was not a notice of entry of order within the meaning of rule 8.108(b)(1)(A) of the California Rules of Court, in that it was not entitled “Notice of Entry of Order” and was not file-stamped with the date of entry. Adaimy acknowledges that on page 6 of the August 7, 2006 “Ruling on Submitted Matter,” the words “Notice of Entry of Order” do appear. The document is not file-stamped with the date of entry, but that is not required for it to be a valid notice of entry of order. Rule 8.108(b)(1)(A) of the California Rules of Court gives an extension of time to file a notice of appeal until “30 days after the superior court clerk mails, or a party

serves, an order denying the motion or a notice of entry of that order.” It does not require that the notice of entry be file-stamped.

The file-stamping requirement comes into play under rule 8.104(a)(1), which starts the time to file a notice of appeal when the clerk mails “a document entitled ‘Notice of Entry’ of judgment *or a file-stamped copy of the judgment.*” (Italics added.) Again, the notice of entry of order need not be file-stamped. Adaimy’s assertion therefore is not well taken.

Appellant’s petition for rehearing is denied. This modification does not change the judgment.

JACKSON, J.*

MALLANO, Acting P. J.

VOGEL, J.

* Judge of the Los Angeles Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.